

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
TRANS-SPEC TRUCK SERVICE, INC.)	
d/b/a TRUCK SERVICE,)	
)	
Plaintiff)	
)	
vs.)	CIVIL ACTION NO. 04-11836-RCL
)	
CATERPILLAR INC.)	
)	
Defendant)	
_____)	

AFFIDAVIT OF CHRISTOPHER B. PARKERSON

I, Christopher B. Parkerson, of full age, on my oath depose and say as follows:

1. I am an associate in the firm of Campbell Campbell Edwards & Conroy, P.C. I am a member in good standing of the bars of all jurisdictions where I have been admitted to practice, namely, Arkansas (1999), Alabama (2000), the United States District Court for the Eastern and Western Districts of Arkansas (1999), the United States District Court for the Northern, Middle and Southern Districts of Alabama (2000), the Court of Appeals for the 11th Circuit (2001), the Court of Appeals for the 4th Circuit (2002), the United States Supreme Court (2003), Massachusetts (2005), the United States District Court for the District of Massachusetts (2005), and the Court of Appeals for the First Circuit (2005).
2. I represent Caterpillar, Inc. in the case of *Trans-Spec Truck Service, Inc. d/b/a/ Truck Service v. Caterpillar, Inc.*
3. I spent 22.9 hours on the case between Saturday February 11, 2006 and Tuesday February 14, 2006. This time was spent traveling between Boston, MA and Peoria, IL (8.5 hours), preparing to defend the expert depositions of Richard Bowes, Matthew Kiser, and Nathan Bjerk (6.9 hours), and travel from Peoria, IL to Boston, MA (7.5 hours).
4. My billing rate is \$165 per hour for work and \$82.50 for travel. My bill for conferences with the deponent and review of the relevant materials is \$1138.50. My bill for travel time is \$1320.00 for a total of \$2458.50. I incurred additional expenses of \$1022.20 in airfare and \$321.12 in expenses for lodging. (See Attached) The total bill for services and expenses is \$3801.82.

5. On Thursday February 9, 2006 I received a letter addressed to John Grunert from Nancy Reimer purporting to confirm a conversation between Grunert and Reimer that occurred on February 8, 2006. I consulted Grunert regarding the letter and was instructed to call plaintiff's counsel and get an unequivocal statement that the depositions of Caterpillar's experts would not go forward as noticed.

6. I left a message on Nancy Reimer's voicemail and contacted Christian Samito. I requested that Samito confirm unequivocally in writing that the depositions were canceled. Samito refused to give such a statement in writing. Samito's response to my request was that the February 9 correspondence from Reimer spoke for itself.

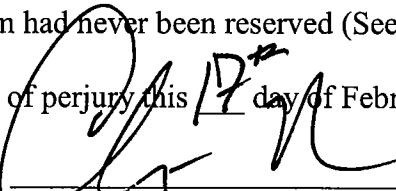
7. I confirmed this conversation in an email and in a second email communication learned that the depositions would not be unequivocally cancelled.

8. After learning that the plaintiff's counsel intended to go forward with the depositions unless given an extension by the District Judge, I called and left a voice mail on Grunert's phone.

9. Once plaintiff's attorneys filed their emergency motion on the afternoon of February 9, the only other contact between the parties was Caterpillar's response to the emergency Motion which I drafted and filed on the morning of Friday February 10. I spoke with the Magistrate's Clerk on February 10 and he indicated that the Motion had not been referred to the Magistrate and no hearing was scheduled. Upon learning this fact, I changed my travel arrangements. My original travel plans were to fly to Peoria, IL on Sunday February 12, 2006 (See Attached) but due to the threat of inclement weather and various travel advisories, I changed my flight to Saturday February 11, 2006 to ensure safe and timely arrival in Peoria, IL.

10. I traveled to Peoria, IL and met with Richard Bowes on Monday February 13, 2006. The deponent and I traveled from Caterpillar headquarters to the Radisson Hotel. We spoke with the manager at the Radisson who indicated that no depositions were scheduled and that a conference room had never been reserved (See Attached).

Signed under the pains and penalties of perjury this 17th day of February, 2006,



Christopher B. Parkerson.

ACKNOWLEDGMENT UNDER OATH

On this 17th day of February, 2006, before the undersigned notary public, personally appeared Christopher B. Parkerson, who is personally known by me, and acknowledged to me that the information contained in paragraphs 1-10 of this affidavit is true to the best of his knowledge.



Notary Public

My commission expires on: 1/21/11

Parkerson, Christopher B.

From: McLaughlin, Mary Beth
Sent: Wednesday, February 01, 2006 3:35 PM
To: Parkerson, Christopher B.
Subject: FW: E-Ticket Confirmation

Your Confirmation No. for the Pere Marquette is TS0202

From: American Airlines@aa.com [mailto:notify@aa.globalnotifications.com]
Sent: Wednesday, February 01, 2006 3:23 PM
To: McLaughlin, Mary Beth
Subject: E-Ticket Confirmation



AA.com

Flight Status
Notification

Destination
Information

NetSAverSM
& Special Offers

Car & Hotel
Booking

Trip Insurance

Baggage
Requirements

Conditions of
Carriage

Travel
Information

AAdvantage[®]

AAVacations

Today's Weather

Flight Check-In



**CHRISTOPHER B
PARKERSON**

Date of Issue: 01FEB06

E-Ticket Confirmation/Record
Locator: JISBZU

▶ Itinerary

▶ Receipt

Thank you for choosing American Airlines/American Eagle, a member of the oneworld Alliance.

Check-in times will vary depending on your departure or destination city. In order to determine the time you need to check in at the airport, log on to AA.com or go to the link <http://www.aa.com/airportexpectations>.

If you have a U.S. DOMESTIC E-TICKET, check in for your flight using FLIGHT CHECK-IN at AA.COM between 1 and 24 hours prior to flight time. You may also use the SELF SERVICE CHECK-IN machine at the airport 1 to 12 hours prior to flight time on your day of departure. Use the E-Ticket confirmation/record locator above to select or change your seat and obtain a boarding pass. On day of departure, you will be required to present a government-issued photo-ID at the airport. See the ENDORSEMENT section below for fare rules pertaining to your ticket.

Actions

▶ Notify me of flight delays or cancellations

Special Notice

▶ Fare Notice

Hot Deals

AAdvantage[®] Citi
 Earn up to 15,000 bonus miles¹ and NO ANNUAL FEE for 12 months²

Budget
 Free Weekend Day and 1,000 AAdvantage[®] Bonus Miles!

Last-Minute Packages
 Book now!

Itinerary

Date: 12FEB - SUNDAY
Flight : AMERICAN AIRLINES 509
Departure: BOSTON 1:21 PM
 CHICAGO

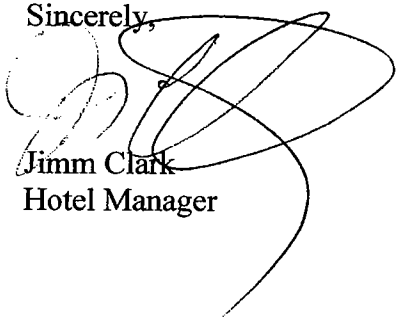
February 13, 2006

To Whom It May Concern:

This letter is to confirm that Rich E. Bowes and Christopher B. Parkerson were at the Radisson Hotel Peoria, Peoria, IL on the above date.

This letter is also confirmation that there was no meeting room scheduled for depositions to be done at this location.

Sincerely,

A handwritten signature in black ink, appearing to read "Jimm Clark", is written over the printed name and title. The signature is stylized with large, sweeping loops.

Jimm Clark
Hotel Manager

Arrival: OHARE 3:15 PM
CHRISTOP PARKERSON
SEAT 26E COACH

Date: 12FEB - SUNDAY
Flight : AMERICAN AIRLINES 4075
Departure: CHICAGO OHARE 4:43 PM
Arrival: PEORIA 5:34 PM
Operated By: OPERATED BY AMERICAN EAGLE
CHRISTOP PARKERSON
SEAT 1A COACH

Date: 16FEB - THURSDAY
Flight : AMERICAN AIRLINES 4377
Departure: PEORIA 9:12 AM
Arrival: CHICAGO OHARE 10:00 AM
Operated By: OPERATED BY AMERICAN EAGLE FOOD FOR PURCHASE
CHRISTOP PARKERSON
SEAT 4B COACH

Date: 16FEB - THURSDAY
Flight : AMERICAN AIRLINES 2276
Departure: CHICAGO OHARE 11:30 AM
Arrival: BOSTON 2:44 PM
CHRISTOP PARKERSON
SEAT 12D COACH

[Book a Hotel](#)
[Book a Car](#)
[Buy Trip Insurance](#)

Receipt

PASSENGER	TICKET NUMBER	FARE-USD	TAX	TICKET TOTAL
CHRISTOP PARKERSON	0012144988203	819.52	102.66	922.18
Payment Type: American Express XXXXXXXXXXXX1001				Total: \$922.18

Endorsements/Restrictions -

NONREF/CHGFEEPLUSFAREDIF/CXL BY FLT TIME OR NOVALUE

You may have purchased a "Special Fare" and certain restrictions apply. Some fares are NON-REFUNDABLE. If the fare allows changes, a fee may be assessed for the change.

Please print and retain this document for use throughout your trip. Electronic tickets are NOT TRANSFERABLE. Tickets with non-restrictive fares are valid for one year from original date of issue.

THIS E-MAIL ADDRESS IS NON-RETURNABLE AND WILL NOT ACCOMMODATE REPLIES.

If you are traveling internationally, please ensure that you have the proper documentation. All necessary travel documents for the countries being visited must be presented at airport check-in. Check with the consulate of these countries to find out the documents required. Consulate phone numbers can be found in the Travel Information section of AA.com.

AMERICAN AIRLINES/AMERICAN EAGLE NEW SECURITY PROCEDURES New FAA requirements to

American Airlines®

CLOSE WINDOW

PRINT PAGE

Record Locator/AA Confirmation: JISBZU

Thank you for choosing American Airlines, American Eagle and AmericanConnection, members of the oneworld Alliance.

If your flight is operated by another carrier, please check in with that carrier per their guidelines.

Check-in times will vary depending on your departure or destination city. In order to determine the time you need to check in at the airport, visit the Suggested Arrival Times page (<http://www.aa.com/content/travelInformation/checkingIn/arrivalTimes.jhtml>) on AA.com, under "Travel Information", then "About Checking In".

If you have a U.S. DOMESTIC E-TICKET, check in for your flight using Flight Check-In at AA.com between 1 and 24 hours prior to flight time. Use the E-TICKET confirmation/record locator above to select or change your seat and obtain a boarding pass. On day of departure, you will be required to present a government-issued photo-ID at the airport.

If the credit card used to purchase this ticket belongs to you, you may be required to present the credit card.

See the ENDORSEMENT line below for key fare rules pertaining to your ticket, if applicable.

If you have begun travel, your online receipt record may only indicate portions of your trip which have not been flown.

Itinerary

Date:	11Feb - Saturday			
Flight:	AMERICAN AIRLINES	1803	McDonnell Douglas Super MD-80(S80)	Booking Code: L
Departure:	BOS Boston	10:53 AM		2HR 51MIN
Arrival:	ORD Chicago	12:44 PM		
	PARKERSON, CHRISTOPHER SEAT 26D	Economy		
Date:	11Feb - Saturday			
Flight:	AMERICAN AIRLINES OPERATED BY AMERICAN EAGLE	3964	Embraer RJ145(ER4)	Booking Code: L
Departure:	ORD Chicago	02:24 PM		0HR 48MIN
Arrival:	PIA Peoria	03:12 PM		
	PARKERSON, CHRISTOPHER SEAT UNASSIGNED <i>10B</i>	Economy		
Date:	16Feb - Thursday			
Flight:	AMERICAN AIRLINES OPERATED BY AMERICAN EAGLE	4377	Embraer RJ140(ERD)	Booking Code: H
Departure:	PIA Peoria	09:12 AM		0HR 48MIN
Arrival:	ORD Chicago	10:00 AM		
	PARKERSON, CHRISTOPHER SEAT 4B	Economy		
Date:	16Feb - Thursday			
Flight:	AMERICAN AIRLINES	2276	McDonnell Douglas Super MD-80(S80)	Booking Code: H
Departure:	ORD Chicago	11:30 AM		2HR 14MIN
Arrival:	BOS Boston	02:44 PM		
	PARKERSON, CHRISTOPHER SEAT 12D	Economy		

Receipt

--	--	--	--	--

PASSENGER	TICKET NUMBER	FARE	TAXES	TICKET TOTAL
PARKERSON,CHRISTOPHER	0012144988203	819.52 USD	102.66	922.18
Payment Type:	AMERICAN EXPRESS *****1001			Total 922.18 USD

Endorsements/Restrictions -

NONREF/CHGFEEPLUSFAREDIF/CXL BY FLT TIME OR NOVALUE

Note - If your ticket involves travel outside the U.S., Canada, U.S. Virgin Islands or Puerto Rico and has been reissued for any reason, the total amount above may not include all taxes. Please check with American Airlines Reservations at 1-800-433-7300 for the correct total.

TERMS AND CONDITIONS

A summary of Terms and Conditions applicable to your travel is available on ticket jackets, which are available at any American Airlines ticket office or at www.aa.com/conditionsofcarriage.

You may have purchased a "Special Fare" and certain restrictions apply. Some fares are non-refundable. If the fare allows changes, a fee may be assessed for the change.

If you have questions regarding our refund policy, please visit www.aa.com/refunds.

CHECKING IN

On day of departure, you will be required to present a government-issued photo identification at the airport. Check-in times will vary depending on your departure or destination city. If your flight is operated by another carrier, please check in with that carrier per their guidelines. In order to determine the time you need to check in at the airport, visit the Suggested Arrival Times page (<http://www.aa.com/content/travelInformation/checkingIn/arrivalTimes.jhtml>) on AA.com, under "Travel Information", then "About Checking In".

Check in for your flight using Flight Check-In (<http://www.aa.com/checkin>) at AA.com between 1 and 24 hours prior to flight time if you have a U.S. domestic e-ticket. You may also use the Self Service Check-In machine (<http://www.aa.com/content/urls/selfService.jhtml>) at the airport on your day of departure. Use the e-ticket confirmation/record locator above to select or change your seat and obtain a boarding pass.

TRAVELING INTERNATIONALLY

If you are traveling internationally, please ensure that you have all necessary travel documents for the countries you are visiting. Visit the International Travel section (<http://www.aa.com/content/travelInformation/internationalTravel/main.jhtml>) on AA.com for more information and helpful links.

BAGGAGE INFORMATION

New FAA requirements to enhance security mandate that customers are allowed one carry-on bag plus one personal item onboard. To learn more about baggage allowances, visit www.aa.com/baggageinfo.

SPECIAL ASSISTANCE

If you need special assistance due to a disability, or have children or pets traveling, visit the Special Assistance section (<http://www.aa.com/content/travelInformation/specialAssistance/main.jhtml>) (under Travel Information) on AA.com before you travel.

FLIGHT STATUS

Please check your departure/arrival gate information prior to arriving at the airport. This information can be found at www.aa.com/gates.

RESERVATIONS ASSISTANCE

Should you need to change your reservation, please call 1-800-433-7300 and refer to the above record locator.

AADVANTAGE INFORMATION

AAdvantage members may call our toll free number 1-800-882-8880 for assistance, or visit www.aa.com. Also on AA.com, you can book the most popular AAdvantage travel awards at our Redeem Miles section

(<http://www.aa.com/apps/AAdvantage/RedeemMiles.jhtml>).

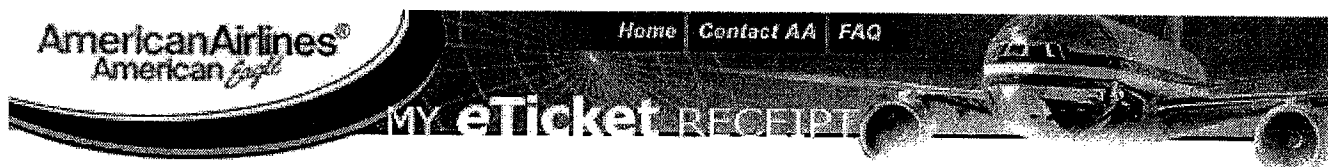
AA.COM

Visit www.aa.com/emails, which allows you to opt-in to receive American Airlines e-mail products, offering the latest news and information, as well as exclusive offers.

CLOSE WINDOW

McLaughlin, Mary Beth

From: American Airlines@aa.com [notify@aa.globalnotifications.com]
Sent: Monday, February 13, 2006 3:31 PM
To: McLaughlin, Mary Beth
Subject: E-Ticket Confirmation



AA.com
Flight Status Notification
Destination Information
NetSAver™ & Special Offers
Car & Hotel Booking
Trip Insurance
Baggage Requirements
Conditions of Carriage
Travel Information
AAAdvantage®
AAVacations
Today's Weather
Flight Check-In



CHRISTOPHER B PARKERSON

Date of Issue: 13FEB06

E-Ticket Confirmation/Record
 Locator: JISBZU

► [Itinerary](#)

► [Receipt](#)

Thank you for choosing American Airlines/American Eagle, a member of the oneworld Alliance.

Check-in times will vary depending on your departure or destination city. In order to determine the time you need to check in at the airport, log on to AA.com or go to the link <http://www.aa.com/airportexpectations>.

If you have a U.S. DOMESTIC E-TICKET, check in for your flight using FLIGHT CHECK-IN at AA.COM between 1 and 24 hours prior to flight time. You may also use the SELF SERVICE CHECK-IN machine at the airport 1 to 12 hours prior to flight time on your day of departure. Use the E-Ticket confirmation/record locator above to select or change your seat and obtain a boarding pass. On day of departure, you will be required to present a government-issued photo-ID at the airport. See the ENDORSEMENT section below for fare rules pertaining to your ticket.

Actions

► [Notify me of flight delays or cancellations](#)

Special Notice

► [Fare Notice](#)

Hot Deals

AAAdvantage® **oneworld**
 Earn up to 15,000 bonus miles* and NO ANNUAL FEE for 12 months!

Budget
 Free Weekend Day and 1,000 AAAdvantage® Bonus Miles!

Last-Minute Packages
 Book now!

Itinerary

Date:	14FEB - TUESDAY
Flight :	AMERICAN AIRLINES 3965
Departure:	PEORIA 3:42 PM
Arrival:	CHICAGO OHARE 4:33 PM
Operated By:	OPERATED BY AMERICAN EAGLE FOOD FOR PURCHASE CHRISTOP PARKERSON

SEAT 7B ECONOMY

Date: 14FEB -
TUESDAY
Flight : AMERICAN 772
AIRLINES
Departure: CHICAGO 5:15 PM
OHARE
Arrival: BOSTON 8:34 PM
CHRISTOP PARKERSON
SEAT 22B ECONOMY

[Book a Hotel](#)[Book a Car](#)[Buy Trip Insurance](#)**Receipt**

PASSENGER	TICKET NUMBER	FARE-USD	TAX	TICKET TOTAL
CHRISTOP PARKERSON	0012114738960	819.52	102.68	922.20
Additional Charges or Fees 100.02				
Payment Type: Exchange, American Express XXXXXXXXXXXX1001				Total: \$922.20

Endorsements/Restrictions -

NONREF/CHGFEEPLUSFAREDIF/CXL BY FLT TIME OR NOVALUE

You may have purchased a "Special Fare" and certain restrictions apply. Some fares are NON-REFUNDABLE. If the fare allows changes, a fee may be assessed for the change.

Please print and retain this document for use throughout your trip. Electronic tickets are NOT TRANSFERABLE. Tickets with non-restrictive fares are valid for one year from original date of issue.

THIS E-MAIL ADDRESS IS NON-RETURNABLE AND WILL NOT ACCOMMODATE REPLIES.

If you are traveling internationally, please ensure that you have the proper documentation. All necessary travel documents for the countries being visited must be presented at airport check-in. Check with the consulate of these countries to find out the documents required. Consulate phone numbers can be found in the Travel Information section of AA.com.

AMERICAN AIRLINES/AMERICAN EAGLE NEW SECURITY PROCEDURES New FAA requirements to enhance security mandate that customers are allowed one carry-on bag plus one personal item onboard. Personal items include the following: purses, briefcases and laptop computers. To learn more about these and other security requirements, please log on to <http://www.aa.com/checkpoints>.

To change your reservation, please call 1-800-433-7300 and refer to your record locator.

Nonrefundable tickets cannot be refunded.

For nonrefundable tickets issued on or after August 19, 2003, the itinerary must be canceled before the ticketed departure time of the first unused coupon, or the ticket has no value. Changes are subject to certain restrictions and fees.

If you have questions regarding our refund policy, please visit our internet website at <http://www.aa.com/refunds>.

Wheel Chair Notification: Customers traveling with battery powered mobility devices please check-in one hour prior to departure. Mobility devices with batteries that cannot be loaded, stowed and then unloaded in an upright position on all flights may require battery removal. Please bring assembly and disassembly instructions to assist in properly transporting your device. For more details, please reference our website at <http://www.aa.com/content/travelInformation/specialAssistance/wheelchairsAndDevices.jhtml>.

Review the latest tips, guidelines news and requirements in the Travel Information Center at <https://www.aa.com/travelinfo>.

AA.COM: Customers who visit AA.com and opt-in to receive American Airlines e-mail products can

2/13/2006

enhance security mandate that customers are allowed one carry-on bag plus one personal item onboard. Personal items include the following: purses, briefcases and laptop computers. To learn more about these and other security requirements, please log on to <http://www.aa.com/checkpoints>.

To change your reservation, please call 1-800-433-7300 and refer to your record locator.

Nonrefundable tickets cannot be refunded.

For nonrefundable tickets issued on or after August 19, 2003, the itinerary must be canceled before the ticketed departure time of the first unused coupon, or the ticket has no value. Changes are subject to certain restrictions and fees.

If you have questions regarding our refund policy, please visit our internet website at <http://www.aa.com/refunds>.

Wheel Chair Notification: Customers traveling with battery powered mobility devices please check-in one hour prior to departure. Mobility devices with batteries that cannot be loaded, stowed and then unloaded in an upright position on all flights may require battery removal. Please bring assembly and disassembly instructions to assist in properly transporting your device. For more details, please reference our website at <http://www.aa.com/content/travelInformation/specialAssistance/wheelchairsAndDevices.jhtml>.

Review the latest tips, guidelines news and requirements in the Travel Information Center at <https://www.aa.com/travelinfo>.

AA.COM: Customers who visit AA.com and opt-in to receive American Airlines e-mail products can choose to receive the airlines latest news and information, as well as exclusive offers that save time and money. Customers may select to have AAirmail, Net SAAver Fares, AAdvantage e-summary and AAdvantage Partner Offers delivered right to their email inbox. Customers can access these e-mail options by selecting www.aa.com/emails. " And, don't forget, customers who purchase a ticket on AA.com for travel on American Airlines, American Eagle and American Connection can earn up to 1,000 AAdvantage Bonus Miles! For more details, go to www.aa.com/bonus."

Now you can use your miles to book the most popular AAdvantage travel award online. Just select the "Redeem Miles link" at <http://www.aa.com/content/utility/redeemMiles.jhtml>.

TERMS and CONDITIONS of CARRIAGE-

A summary of Terms and Conditions applicable to your travel is available at www.aa.com or on ticket jackets which are available at any American Airlines ticket office. <http://www.aa.com/conditionsofcarriage>.

For flight segments wholly within the Domestic U.S., print your boarding pass at home or the office and get through the airport faster. Check-in online at AA.com.

NRID: 5019294266310111445911300

Hotel Pere Marquette

501 Main St
 Peoria, IL 61602
 309-637-6500
 pere@hotelperemarquette.com

Chris Parkerson LCO2pm
100 Ne Adams
Peoria, IL 61629

Room	Folio	Checkin	Out
1038	58922	02/11/2006	02/14/2006
Master Folio		Weekday: 96	

HOTEL PERE MARQUETTE
 501 MAIN ST.
 PEORIA, IL 61602

BATCH: 781 S-A-L-E-S D-R-A-F-T 698000055800

REF: 5751
FOLIO 58922
 TR TYPE: CHECK-OUT
 DATE: FEB 14, 06 12:11:39
 ORIG AMT: \$330.12

\$330.12

ACCT: EXP:
 CARDMEMBER ACKNOWLEDGES RECEIPT OF GOODS
 AND/OR SERVICES IN THE AMOUNT OF THE
 TOTAL SHOWN HEREON AND AGREES TO PERFORM
 THE OBLIGATIONS SET FORTH BY THE
 CARDMEMBER'S AGREEMENT WITH THE ISSUER

THANK YOU!

X

CUSTOMER COPY

Date	Room	Description / Voucher	Charges	Cre
02/11/2006	1038	Room Taxable	96.00	
02/11/2006	1038	Room Tax - 11.500%	11.04	
02/12/2006	1038	Room Taxable	96.00	
02/12/2006	1038	Room Tax - 11.500%	11.04	
02/13/2006	1038	Rendezvous Manual Post - 18	9.00	
02/13/2006	1038	Room Taxable	96.00	
02/13/2006	1038	Room Tax - 11.500%	11.04	
02/14/2006	1038	American Express	0.00	330
Summary and Taxes				
Balance Due				
Taxable Sales				
Room Tax 11.50%				